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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,074	11/26/2003	David C. Long	J-3679A	8629

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EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,074

Applicant(s)

LONG ET AL.

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (USPN 3655444).

Young teaches a portable powered cleaning device comprising a housing (10) and motor (11) mounted in the housing. There is a flex mount fixed to the housing comprising a plurality of elongated pillars (25). The motor comprises a drive shaft (15), which is coupled to a carrier (20). The carrier is additionally mounted to the flex mounts. The carrier reciprocates with respect to the housing when the drive shaft is moved. There is a cleaning attachment (30) removably attached to the carrier.

Claims 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gruber et al. (WO 01/32095).

Gruber teaches a portable powered cleaning device comprising a housing and battery powered motor mounted in the housing. The motor has a drive shaft (6) coupled to a carrier (30) so as to reciprocate with respect to the housing. There is a cleaning attachment (20) removably attached to the carrier as well as a detachable scrub brush (26). The scrub brush includes an elongated body (57) disposed between the carrier and the cleaning attachment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913) in view of Zafiroglu (USPN 4820435).

Adams teaches a portable powered cleaning device comprising a housing (12) and motor (26) mounted in the housing. The motor comprises a drive shaft (36), which is coupled to a carrier (40). The carrier reciprocates with respect to the housing when the drive shaft is moved. There is a cleaning attachment (52) removably attached to the carrier and recesses filled with surface treatment (56) located between the cleaning attachment and the carrier. The cleaning attachment is made from rubber. The surface treatment composition is in liquid, gel or paste form and can be used to clean or polish. The surface treatment comprises solvents or perfumes. Adams teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is located in a separate packet. Zafiroglu teaches liquid dispensing packets containing liquid concentrated which can be placed inside sponges, or within an outer net fabric, or within an abrasive outer fabric (col. 3, lines 13-15). It would have been obvious to replace the recesses filled with surface treatment composition as taught by Adams with the water dissolvable liquid dispensing packets of Zafiroglu since it would be easier to refill the hand held scrubber when more surface treatment was necessary. Also the packets are more

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advantageous since the surface treatment will not spread through the cleaning attachment until wet.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913) in view of Zafiroglu (USPN 4820435) and further in view of Dickler (USPN 6037319).

Adams in view of Zafiroglu teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is water dissolvable and that the packet is made of polyvinyl alcohol. Dickler teaches a liquid dispensing packet made from a water dissolvable material such as polyvinyl alcohol. It would have been obvious to use make the packages of treatment composition of Zafiroglu water dissolvable as taught by Dickler to eliminate waste and furthermore the user would not have to come in contact with any of the treatment composition whether when disposing of a non-dissolvable packet or when refilling a non-dissolvable packet, thus eliminating any injuries that may occur due to the cleaning solution. Also, refilling of a non-dissolvable packet could lead to cross contamination if refilling with a different cleaning solution.

Claims 1, 5-7, 9-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USPN 5701625) in view of Zafiroglu (USPN 4820435).

Siman teaches a portable powered cleaning device comprising a housing (1) and motor (3) mounted in the housing. The motor comprises a drive shaft (6), which is coupled to a carrier (27, 28). The carrier reciprocates with respect to the housing when the drive shaft is moved. There is a cleaning attachment (30) removably attached to the carrier. There is a rechargeable battery disposed in the housing for powering the motor. Additionally there is a power switch

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(12) coupled between the battery and the motor. The cleaning attachment is made from cloth, sponge, bristles, foams or polymers. The surface treatment composition is in liquid, gel or paste form and can be used to clean or polish. The surface treatment comprises surfactants, solvents, abrasives or perfumes. The carrier further comprises a substantially rigid body coupled to the drive shaft by a bearing (7). The carrier further comprises a plate attached to the bottom side of the carrier. There is a foam layer adhered to an underside of the carrier plate. Siman teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is located in a separate packet. Zafiroglu teaches liquid dispensing packets containing liquid concentrated which can be placed inside sponges, or within an outer net fabric, or within an abrasive outer fabric (col. 3, lines 13-15). It would have been obvious to replace the recesses filled with surface treatment composition as taught by Adams with the water dissolvable liquid dispensing packets of Zafiroglu since it would be easier to refill the hand held scrubber when more surface treatment was necessary. Also the packets are more advantageous since the surface treatment will not spread through the cleaning attachment until wet.

With regards to claim 9, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the attachment triangular because Applicant has not disclosed that a triangular shaped attachment provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a round or cylindrical attachment because both shapes perform the same function of cleaning equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Siman to obtain the invention as specified in claim 9.

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With regards to claims 17 and 18, Siman discloses the invention however fails to teach that the foam is attached to the carrier by a hook and loop material and that the cleaning attachment is attached to the foam by mean of hook and loop. Hook and loop material as well as adhesive bonding are equivalent structure known in the art. Therefore, because these two attachment means were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute hook and loop material for adhesive bonding.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USPN 5701625) in view of Zafiroglu (USPN 4820435) and further in view of Dickler (USPN 6037319).

Siman in view of Zafiroglu teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is water dissolvable and that the packet is made of polyvinyl alcohol. Dickler teaches a liquid dispensing packet made from a water dissolvable material such as polyvinyl alcohol. It would have been obvious to use make the packages of treatment composition of Zafiroglu water dissolvable as taught by Dickler to eliminate waste and furthermore the user would not have to come in contact with any of the treatment composition whether when disposing of a non-dissolvable packet or when refilling a non-dissolvable packet, thus eliminating any injuries that may occur due to the cleaning solution. Also, refilling of a non-dissolvable packet could lead to cross contamination if refilling with a different cleaning solution.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913) in view of Zafiroglu as applied to claim 1 above and further in view of James (USPN 6305044).

Adams in view of Zafiroglu teach all the essential elements of the claimed invention however fail to teach that the packet of surface treatment is perforated and includes a peel-off layer. James teaches a packet of surface treatment that comprises a peel-off layer to reveal the surface treatment. It would have been obvious to replace the packets of surface treatment of Adams in view of Zafiroglu with the peel-off layer packets of James since it could be controlled when the surface treatment was supposed to be used. The peel-off layer could be removed right before use and would eliminate unnecessary spilling or use of the surface treatment.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913) in view of Zafiroglu as applied to claim 1 above and further in view of Pierce (USPN 6651286).

Adams in view of Zafiroglu teach all the essential elements of the claimed invention however fail to teach that the carrier reciprocated between 2,500 and 10,000 cycles per minute. Pierce teaches a cleaning element with a cleaning attachment that reciprocates at 2,500 cycles per minute. It would have been obvious to have Adams in view of Zafiroglu's invention reciprocate at least 2,500 cycles per minute to achieve proper cleaning and scrubbing.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siman in view Zafiroglu as applied to claim 1 above, and further in view of Pierce (USPN 6651286).

Siman in view of Zafiroglu teach all the essential elements of the claimed invention however fail to teach that the carrier reciprocated between 2,500 and 10,000 cycles per minute.

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Pierce teaches a cleaning element with a cleaning attachment that reciprocates at 2,500 cycles per minute. It would have been obvious to have Siman in view of Zafiroglu's invention reciprocate at least 2,500 cycles per minute to achieve proper cleaning and scrubbing.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Zafiroglu as applied to claim 1 above.

Adams in view of Zafiroglu discloses all the essential elements of the claimed invention however, the reference fails to teach that the attachment is generally triangular. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the attachment triangular because Applicant has not disclosed that a triangular shaped attachment provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with round attachment or the triangular attachment because both shapes perform the same function of cleaning equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Adams in view of Zafiroglu to obtain the invention as specified in claim 9.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siman in view of Zafiroglu as applied to claim 1 above and further in view of Super (USPN 6493903).

Siman in view of Zafiroglu teach all the essential elements of the claimed invention however fail to teach a lamp located in the forward part of the housing. Super teaches a cleaning device comprising a headlamp. It would have been obvious to add a head light to Siman in view of Zafiroglu's invention so that the area being cleaned can be illuminated to allow for a proper and thorough cleaning of the area.

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Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Zafiroglu as applied to claim 1 above and further in view of Super (USPN 6493903).

Adams in view of Zafiroglu teach all the essential elements of the claimed invention however fail to teach a lamp located in the forward part of the housing. Super teaches a cleaning device comprising a headlamp. It would have been obvious to add a head light to Adams' invention so that the area being cleaned can be illuminated to allow for a proper and thorough cleaning of the area.

Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Martin et al. (PGPub 2004/0031121).

Young teaches all the essential elements of the claimed invention however fails to teach a surface treatment composition. Martin teaches a cleaning pad for cleaning machines, such as the one taught by Young, comprising a cleaning solution impregnated within the cleaning pad. The cleaning solution may be liquid or dry. It would have been obvious to use the cleaning pad as taught by Martin on the cleaning device of Young so that a surface treatment composition may be applied without any external help. Using a cleaning attachment with a cleaning solution impregnated within will increase the cleaning capabilities and decrease the amount of time spent cleaning.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Martin et al. as applied to claim 22 above and yet further in view of Zafiroglu (USPN 4820435).

Young in view of Martin teach all the essential elements of the claimed invention however fail to teach that the surface treatment composition is located in a packet between the

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carrier and the cleaning attachment. Zafiroglu teaches liquid dispensing packets containing liquid concentrated which can be placed insides sponges, or within an outer net fabric, or within an abrasive outer fabric (col. 3, lines 13-15). It would have been obvious to replace the impregnated pad of Martin with the packets of Zafiroglu since the cleaning solution could be used when necessary. The cleaning attachment would not always be saturated with cleaning solution, only when necessary. Additionally, the same cleaning attachment could be used for longer amounts of time and only the packet would need to be replaced. The cleaning attachment would not need to be replaced once the cleaning solution in the attachment ran out or dried up. As taught by Zafiroglu, it would have been obvious to place the liquid dispensing packets beneath Young's cleaning attachment, since the packets can be placed within any item which is used to clean.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Martin et al. and Zafiroglu as applied to claim 26 above and yet further in view of Dickler (USPN 6037319).

Young in view of Martin and Zafiroglu teach all the essential elements of the claimed invention however fail to teach that the surface treatment composition is located in a packet that is water dissolvable. Dickler teaches a liquid dispensing packet made from a water dissolvable material. It would have been obvious to use make the packages of treatment composition of Zafiroglu water dissolvable as taught by Dickler to eliminate waste and furthermore the user would not have to come in contact with any of the treatment composition whether when disposing of a non-dissolvable packet or when refilling a non-dissolvable packet, thus eliminating any injuries that may occur due to the cleaning solution. Also, refilling of a non-

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dissolvable packet could lead to cross contamination if refilling with a different cleaning solution.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Martin et al. and Zafiroglu as applied to claim 26 above and yet further in view of James (USPN 6305044).

Young in view of Martin and Zafiroglu teach all the essential elements of the claimed invention however fail to teach that the surface treatment composition packet comprises a peel-off layer. James teaches a packet of surface treatment that comprises a peel-off layer to reveal the surface treatment. It would have been obvious to replace the packets of surface treatment of Zafiroglu with the peel-off layer packets of James since it could be controlled when the surface treatment was supposed to be used. The peel-off layer could be removed right before use and would eliminate accidental use of the surface treatment. Additionally, the cleaning attachment could be used first for dry cleaning a surface and then when cleaning solution is needed the peel-off layer could be removed.

Applicant's Arguments

1. Baker does not teach a separate packet of composition. Baker rotates and does not reciprocate.
2. Adams does not teach a separate packet of composition.
3. Stout teaches springs and not pillars.
4. Hoffman does not teach an elongated body between the cleaning head and the cleaning surface.
5. Siman does not teach a self-contained packet of composition.

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6. The packet of Dickler is to be deposited in a volume of water allowing the packet to dissolve.

Response to Arguments

Applicant's arguments, filed 5/13/05, with respect to the rejection(s) of claim(s) 1-31 under 102 and 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the newly amended claims with references Zafiroglu, Young and Gruber. Zafiroglu teaches a liquid dispensing packet that is to be placed in a sponge or other cleaning device. Young teaches a cleaning device comprising resilient pillars located between the housing and carrier. Gruber teaches a scrubbing device with an elongated body disposed between the cleaning attachment and carrier. The Baker, Stout and Hoffman rejections have been withdrawn based on the newly amended claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
6/24/05



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